IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION NO.2555 OF 2006

Sushmita Sen.....Petitioner

Vs.

Municipal Corporation of

Brihanmumbai & Anr. ..Respondents

Ms. A. Wandrewala i/b. Bachubghai Munim & Co.,
for the Petitioner.
Mr. J. Reis with Mr. V. Mahadik, for Respondents.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 20TH OCTOBER,2006

P.C.

. Rule. Heard forthwith.

2. The petitioner challenged the demand made by the respondents by letter dated 4th August, 2006. That demand has been made pursuant to D.R.I. provisionally depositing the value of the car and customs duty which are payable. Respondents have accordingly fixed the octroi and also imposed penalty. It is this order which is the subject matter of the present petition.

2. We have heard learned Counsel for the parties and in our opinion the matter can be disposed of by issuing following directions:-

(i) The petitioner to pay the basic octroi of

Rs.2,16,989/- within a period of three weeks from today.

(ii) In so far as the respondents claiming additional octroi and penalty the respondents to give a fresh notice to the petitioner and after hearing the petitioner to pass appropriate orders according to law.

(iii) Consequently, the notice dated 4th August, 2006 does not subsist.

(iv) To secure the respondents the petitioner to furnish a bank guaranteed of any Nationalised Bank within three weeks from today in a sum of Rs.10.00 lakhs. That bank guarantee will not be encashed without the orders of this Court.

. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J)

(ANOOP V. MOHTA,J).